

ORDINANCE NO. 5854

AN ORDINANCE AMENDING SECTION 11-3-2, OFFICIAL ZONING DISTRICT MAP AND DISTRICT BOUNDARIES, OF THE MESA CITY CODE, CHANGING THE ZONING OF CERTAIN PROPERTY DESCRIBED IN ZONING CASE ZON22-00214. WITHIN THE 1300 TO 1500 BLOCKS OF SOUTH COUNTRY CLUB DRIVE (WEST SIDE). LOCATED SOUTH OF SOUTHERN AVENUE ON THE WEST SIDE OF COUNTRY CLUB DRIVE. (3± ACRES). REZONE FROM LIMITED COMMERCIAL (LC) TO LIMITED COMMERCIAL (LC) WITH A PLANNED AREA DEVELOPMENT OVERLAY (LC-PAD), COUNCIL USE PERMIT (CUP), AND SITE PLAN REVIEW AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Section 11-3-2, Official Zoning Map and District Boundaries, of the Mesa Zoning Ordinance is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case ZON22-00214 signed by the Mayor and City Clerk, which accompanies and is annexed to this ordinance and declared a part hereof.

Section 2: The Official Supplementary Zoning Map attached hereto is adopted subject to compliance with the following conditions:

1. Compliance with the final site plan and final landscape plan submitted.
2. Compliance with all requirements of DRB24-00095.
3. Compliance with the submitted Plan of Operation.
4. Compliance with the submitted Good Neighbor Policy.
5. Prior to the issuance of a Certificate of Occupancy, remove the existing detached pole sign.
6. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD and shown in the following table:

Development Standards	Approved
<u>Maximum Lot Coverage</u> – <i>MZO Table 11-6-3.A</i>	81.1%
<u>Minimum Setback along Property Lines to Building and Parking Areas</u> – <i>MZO Table 11-6-3(A) and</i> -Interior Side and Rear: Adjacent to Non-residential District	
(South property line)	3 feet, 11-inches (existing to parking)
(West property line)	10 feet, 7-inches (existing to parking)
(North property line)	4 feet, one-inch (existing to parking)

Development Standards	Approved
<u>Required Landscape Yards –</u> <i>Section 11-33-3(B)(2)(a)(ii)</i> -Non-Single Residential Uses Adjacent to Other Non-Single Residence (South property line) (West property line) (North property line)	3 feet, 11-inches (existing to parking) 10 feet, 7-inches (existing to parking) 4 feet, one-inch (existing to parking)
<u>Minimum Outdoor Living Areas (sq. ft./unit) –</u> <i>MZO Table 11-6-2.A</i>	0 sq. ft.
<u>Screening – Parking Areas –</u> <i>MZO Section 11-30-9(H)</i> -Parking Areas	100% screening with large and medium shrubs
<u>Required Parking Spaces by Use –</u> <i>MZO Table 11-32-3(A)</i> -Multiple Residence uses not located within ¼ mile radius of bus rapid transit or light rails station regardless of bedroom count	1.07 spaces per dwelling unit (128 spaces total)
<u>Covered Parking Spaces –</u> <i>MZO Section 11-32-3(D)(2)</i> -Multiple Residence	0.14 covered parking spaces per unit (17 total)
<u>Parking Area Design –</u> <i>MZO Section 11-32-4(A)</i> -Setback of Cross Drive Aisles	Parking spaces along main drive aisles connecting directly to a street shall be set back at least 35 feet, 5-inches from the property line abutting the street (existing)
<u>Perimeter Landscape – Required Plant Material –</u> <i>MZO Section 11-33-2(B)(2)(c) and Table 11-33-3(A)(4)</i> -Country Club Drive (arterial street) -South property line -North property line	0 trees (existing) and 80 shrubs 4 trees (existing) and 78 shrubs 0 trees (existing) and 76 shrubs
<u>Parking Lot Landscape Islands –</u> <i>MZO Section 11-33-4(B)</i>	Elimination of the tree in the following landscape islands: 1. Adjacent to the east side of the northwest solid waste enclosure,

Development Standards	Approved
	2. At the northeast corner of the building where the stairs are located, 3. Adjacent to the east and west sides of the cross-access drive along the south property line.
<u>Parking Lot Landscape Islands</u> – <i>MZO Section 11-33-4(B)(2)</i>	Minimum 2 feet wide and 11 feet in length (existing)
<u>Parking Lot Landscape Island Plant Material</u> – <i>MZO Section 11-33-4(D)</i>	Elimination of 4 trees in 4 parking lot landscape islands (existing)
<u>Foundation Base along Exterior Walls</u> – <i>MZO Section 11-33-5(A)(1)</i> - Exterior Wall with Public Entrances (East Elevation) (South Elevation) (West Elevation) (North Elevation)	Minimum 11 feet, 4-inch-wide foundation base (existing) Minimum 5 feet, 9-inch-wide foundation base (existing) Minimum 5 feet, 3-inch-wide foundation base (existing) Minimum 5 feet, 4-inch-wide foundation base (existing)
<u>Plant Material within Foundation Base – Exterior Walls Visible from Public Parking or Right-of-Way with Public Entrances</u> – <i>MZO Section 11-33-5(B)(3)</i> - A landscape area shall be provided equal in length to 33 percent (minimum) of adjacent exterior wall South Elevation West Elevation North Elevation	60 feet (20% of 299 feet, 3-inches existing) 0 feet (existing) 0 feet (existing)

Section 3: PENALTY.

CIVIL PENALTIES:

- A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than \$150 or more than \$1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Ordinance shall result in a civil sanction of not less than \$250 or more than \$2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Ordinance shall result in a civil sanction of not less than \$500 or more than \$2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges, and may be ordered to pay any other applicable fees and charges.
- B. The 36 month provision described above of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.
- C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

- A. A person who commits a violation of this Ordinance after previously having been found responsible for committing three (3) or more civil violations of this Ordinance within a twenty-four (24) month period – whether by admission, by payment of the fine, by default, or by judgment after hearing – shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a class 1 criminal misdemeanor complaint in the Mesa City Court against habitual offenders. For purposes of calculating the twenty-four (24) month period under this Subsection, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Section, the Court may impose a sentence of incarceration not to exceed six (6) months in jail; or a fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law; or both such fine and imprisonment. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.
- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 20th day of May, 2024.

APPROVED:

Mayor

ATTEST:

City Clerk